REMARKS

Claims 67-75 and 92-98 are pending in the application.

Rejection of Claims 67-75 and 92-98 for Lack of Written Description

Claims 67-75 and 92-98 stand rejected under 35 U.S.C. § 112, ¶1 as failing to comply with the written description requirement. The application discloses that a "shopper using a computer with a Domain Name System (DNS) entry in New York vs. Washington vs. Colorado entering the same domain name to access may also receive different displayed information." P. 4, ln. 27 to P. 5, ln. 1. The Office Action states the application "does not have support to enable one of ordinary skill in the art to use applicant's claimed and argued invention to use DNS to determine the current location of the user." In other words, the Office Action asserts one of ordinary skill would not have known how to determine the location of the remote computer using only its DNS entry (i.e., IP address).

While IP addresses do not contain any geographic information and are assigned without regard to geographic location, at the time the application was filed, several methods of determining the location would have been available to and known by one of ordinary skill. In other words, if asked to determine the location of a remote system based on its IP address, would one of ordinary skill in the art at the time the application was filed (February 22, 2000) have known how to make that determination using any one of the following exemplary tools.

The domain name system ("DNS") is fundamental to the transfer of information across the Internet. The DNS includes name servers that map each domain name to an IP address. Whenever a user (such as the shopper) enters a domain address, one or more name servers are queried to determine the IP address of the host system associated with the domain name. "[I]nverse inquires [in which an IP address is presented to the DNS system] have been part of the domain system since it was first specified...." Douglas E. Comer, *Internetworking with TCP/IP Vol 1: Principles, Protocols, and Architecture*, 329-331 (2nd Ed. 1991). This reference also explains how to formulate a "pointer query" to determine the domain name associated with an IP

address. As this was known for at least ten years before the filing of the present application, it was surely known by one of ordinary skill in the art who is presumed to have knowledge of the prior art. Therefore, using only the IP address, one of ordinary skill would have known how to obtain the domain name associated with that IP address.

The domain name itself may include location information. In such circumstances, the inverse DNS lookup alone could be used to determine the location of the remote computer. An example of such a query is provided on page 12 of applicant's May 30, 2006 response to Examiner's request for information under 37 CFR 1.105. In this example, a lookup of the IP address 24.128.70.33 identified the domain name c-24-128-70-33.hsd1.nh.comcast.net, which indicates it is located in "nh" or New Hampshire.

The attached *A Primer on Internet and TCP/IP Tools*, published in 1994, describes a tool named "nslookup" which may be used to perform the inverse DNS lookup. G. Kessler and S. Shepard, *A Primer on Internet and TCP/IP Tools*, Request for Comment (RFC) No. 1739, The Internet Engineering Task Force, Networking Working Group (December 1994). If the Examiner is using MS Windows and wishes to use nslookup, simply do the following:

1. Go to the "Start" button;

2. Select "All Programs;"

3. Select "Accessories;"

4. Within "Accessories," select the "Command Prompt;"

5. Enter the following command into the "Command Prompt" window: **nslookup 24.128.70.33**.

The following results should appear:
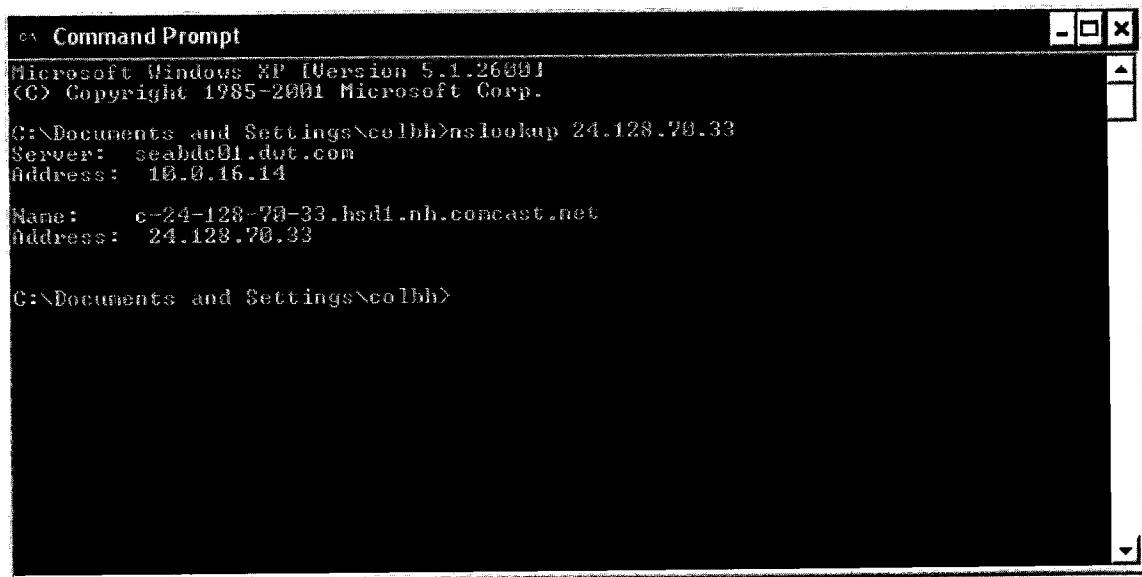
```
Command Prompt                                                    _ □ ×

Microsoft Windows XP [Version 5.1.2600]
(C) Copyright 1985-2001 Microsoft Corp.

C:\Documents and Settings\colbh>nslookup 24.128.70.33
Server:  seabdc01.dwt.com
Address:  10.0.16.14

Name:    c-24-128-70-33.hsd1.nh.comcast.net
Address:  24.128.70.33


C:\Documents and Settings\colbh>
```

If the Examiner experiences difficulty verifying this result, the Examiner is invited to contact the undersigned at (206) 757-8133.

Another example of a method of using the IP address to determine a location (also explained in applicant's May 30, 2006 response to Examiner's request for information under 37 CFR 1.105) includes using the "traceroute" tool which may be used to map the route taken by packets communicated from the remote computer to the host system and vise versa. Amendment, filed May 30, 2006, pp 15-16. Please see attached *A Primer on Internet and TCP/IP Tools*, which clearly demonstrates traceroute was a well known tool before the filing of the present application. Page 8 provides an explanation of an example traceroute result shown on page 9. The explanation clearly identifies the communication is carried on a regional New Jersey network immediately prior to delivery to its destination, Bellcore in Red Bank, New Jersey. Therefore, information obtained using traceroute could be used to infer the location of the remote computer, which in this case was New Jersey.

If the Examiner is using MS Windows and wishes to use traceroute (which corresponds to the "tracert" command in Windows), simply do the following:

1. Go to the "Start" button;

2. Select "All Programs;"

3. Select "Accessories;"

4. Within "Accessories," select the "Command Prompt;"

5. Enter the following command into the "Command Prompt" window:
   tracert 216.254.14.142.

Results similar to those shown below should appear. Because the Examiner's route to 216.254.14.142 starts from a different location than that indicated below, the Examiner's tracert results will not be identical to those shown. Please note, like the results in applicant's May 30, 2006 response to Examiner's request for information under 37 CFR 1.105, these results indicate the nearest backbone router is in Seattle.
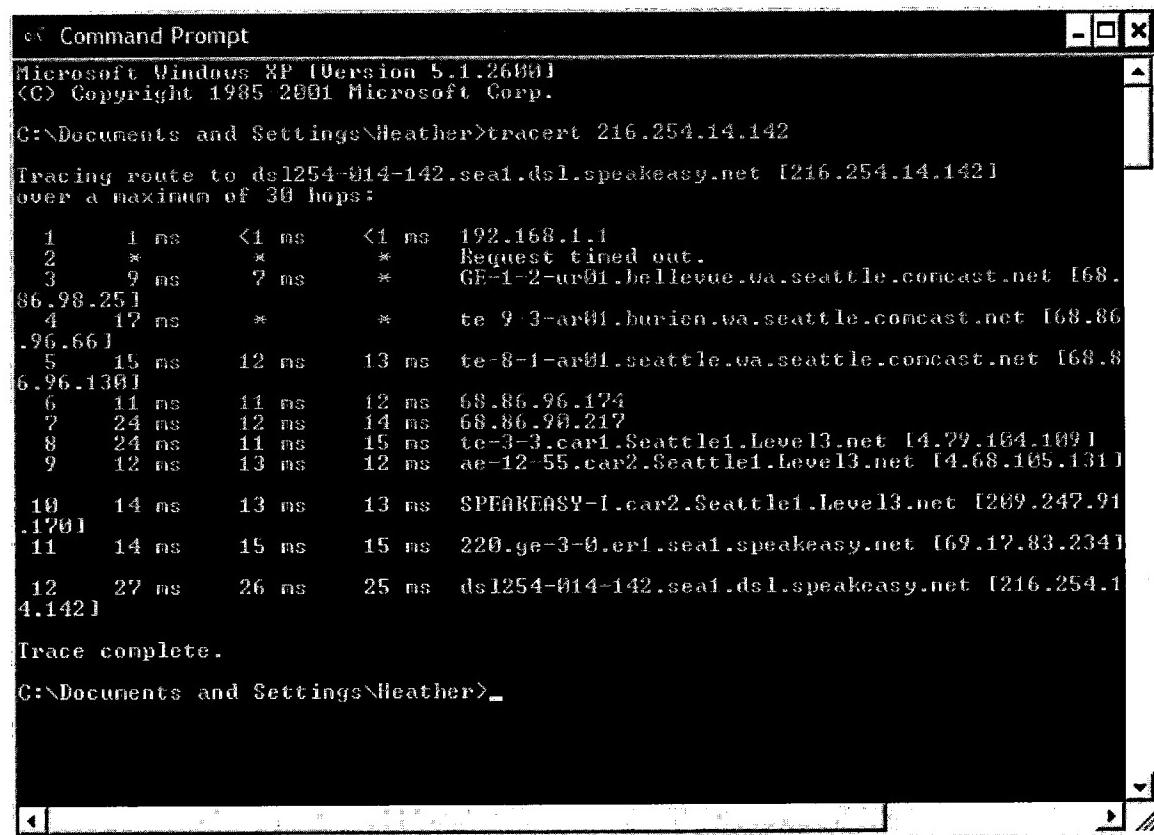
```
Command Prompt

Microsoft Windows XP [Version 5.1.2600]
(C) Copyright 1985-2001 Microsoft Corp.

C:\Documents and Settings\Heather>tracert 216.254.14.142

Tracing route to dsl254-014-142.sea1.dsl.speakeasy.net [216.254.14.142]
over a maximum of 30 hops:

  1     1 ms    <1 ms    <1 ms  192.168.1.1
  2     *        *        *     Request timed out.
  3     9 ms     7 ms     *     GE-1-2-ur01.bellevue.wa.seattle.comcast.net [68.
86.98.25]
  4    17 ms     *        *     te-9-3-ar01.burien.wa.seattle.comcast.net [68.86
.96.66]
  5    15 ms    12 ms    13 ms  te-8-1-ar01.seattle.wa.seattle.comcast.net [68.8
6.96.130]
  6    11 ms    11 ms    12 ms  68.86.96.174
  7    24 ms    12 ms    14 ms  68.86.90.217
  8    24 ms    11 ms    15 ms  te-3-3.car1.Seattle1.Level3.net [4.79.164.109]
  9    12 ms    13 ms    12 ms  ae-12-55.car2.Seattle1.Level3.net [4.68.105.131]

 10    14 ms    13 ms    13 ms  SPEAKEASY-I.car2.Seattle1.Level3.net [209.247.91
.170]
 11    14 ms    15 ms    15 ms  220.ge-3-0.er1.sea1.speakeasy.net [69.17.83.234]

 12    27 ms    26 ms    25 ms  dsl254-014-142.sea1.dsl.speakeasy.net [216.254.1
4.142]

Trace complete.

C:\Documents and Settings\Heather>_
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Another exemplary method involves looking up the IP address in the American Registry for Internet Numbers ("ARIN") database. ARIN was established in 1997 as one of five regional internet registries for IP addresses (not domain names). ARIN's service region includes the United States. At the time the application was filed, the ARIN database could be queried for information related to the owner of an IP address. An online version can be viewed today at http://www.arin.net/index.shtml. As explained in applicant's May 30, 2006 response to Examiner's request for information under 37 CFR 1.105, a search of the network name portion of the IP address 24.127.74.33, which is 24.127.0.1, indicated the network was located in Los Angeles. However, applicant notes that the ARIN database now indicates the location of the network is Richmond. Applicant invites the examiner to visit the ARIN website and enter the IP address of the exemplary remote computer and/or its network to view the results of such a query.

Another exemplary method involves using a "whois" tool, described on page 17 of the attached *A Primer on Internet and TCP/IP Tools*. The whois tool returns point-of-contact information such as the address of the registrant and/or the address of the administrative contact. See also Amendment, filed May 30, 2006, pp 12. Therefore, whois is yet another tool that would have been known to and used by those of ordinary skill at the time the application was filed.

Obviously, more than one of these methods may be used to increase the confidence of the host system that the correct location was determined. Therefore, one of ordinary skill would have known how to determine the location of a remote computer given only its IP address and a detailed description of such methods is not necessary to enable the invention recited by the pending claims. Applicant notes that Claims 92-96 and 98 do not recite how the location is determined. Instead, these claims recite the determination of additional information about the computer based on the network address of the computer. As discussed above, the IP address can be used to determine additional information about the computer (including its location, communication routing information, registrant information, etc.). Consequently, applicant respectfully requests withdrawal of the rejection under Section 112 with respect to claims 67-75 and 92-98.

Rejection of Claims 67-75 and 92-98 as Obvious

Claims 67-75 and 92-98 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,332,127 issued to Bandera et al. in view of U.S. Patent No. 6,286,045 issued to Griffiths et al. As indicated in the Office Action, Bandera et al. does not teach a presentation formulator configured to formulate tailored store screens to be displayed on the remote computers of shoppers. Griffiths et al. teaches a method of selecting a banner for display on a web page that more accurately counts the number of times the banner is displayed. The method involves sending a banner request signal from the user's terminal to a recipient that serves a banner to the user's terminal. Col. 15, lns. 4-18. Griffiths et al. does not teach either a store or using the location of the user's terminal to formulate tailored store screens. At least because Bandera et al., Griffiths et al., and a combination thereof all fail to teach this element of the claims, applicant respectfully request withdrawal of this rejection.

With respect to claims 68-71, neither Bandera et al. nor Griffiths et al. mention a search request entered by the shopper into the shopper's computer to navigate to the host system to initiate the current communication. Therefore, neither reference nor a combination thereof renders the invention of these claims obvious.

With respect to claim 72, neither Bandera et al. nor Griffiths et al. mention the location of the shopper's computer at the time of the current communication, as determined by the shopper data collector, is used by the shopper data collector to determine for the current communication particular traits, habits, or interests of the shopper or other pertinent shopper information. Griffiths does not mention using the location of the user for any purpose and Bandera et al. discusses adapting the advertisements based only on location, and time, user traits, habits, and interests are never discussed. Therefore, neither reference nor a combination thereof renders the invention of claim 72 obvious.

With respect to claim 94 and 96, Bandera et al. never mentions using DNS. Instead, the reference discusses using GPS, a telephone trace, a cellular base station, and a satellite beam to determine additional information about the computer that is in

addition to the identity of the computer's network address. See Col. 6, lns. 49-51; Col. 6, lns. 62-66; Col. 7, lns. 1-8. While Griffiths mentions DNS, it is for the purposes of locating banners to send to the user, not to determine the location of the user. Therefore, neither reference nor a combination thereof renders the invention of claims 94 and 96 obvious.

Commissioner is hereby authorized to charge any additional fees if believed necessary, or to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 757-8133.

Respectfully submitted,
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